

REMARKSRegarding the Status of the Claims:

Claims 10, 12 – 15, and 17 are pending.

Claims 1 – 9, 11, and 16 have been cancelled.

No claims have been withdrawn from consideration.

Claims 18 – 20 have been added.

Regarding the Claim Amendments presented in this reply:

The amendments to the claims add no new matter. Claims 18 – 20 merely require that component D) be different than component B) and/or C). This limitation finds support on page 2, lines 15 – 46 of the specification, which inherently discloses the possibility that component D) can be different than component B) and/or C). This limitation also finds support in the Examples.

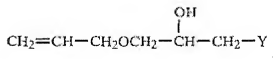
Regarding the Claim Rejections:

The Office action rejects claims 10, 12 – 15 and 17 under 35 U.S.C §102(b) or alternatively 35 U.S.C §103(a) over US 4,338,239 to Dammann (hereinafter, “Dammann”).

In column 2, lines 40 – 50 Dammann describes an interpolymer of monomers comprising:

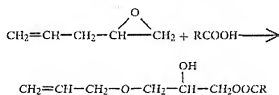
1. at least 60 weight percent of acrylic acid or methacrylic acid;
2. between about 0.2 – 20 weight percent of a glyceryl ether derivative in which one hydroxyl group is in the free form, one hydroxyl group is in the form of an allyl ether substituent, and the other hydroxyl group is in the form of an ether or ester substituent; and
3. between about 0 – 20 weight percent of another olefinically unsaturated monomer copolymerizable therewith.

According to B) (1), of present claim 1, component B) can be a glycerol ester of a monounsaturated C₈-C₃₀-monocarboxylic acid. US 4,338,239 to Damman utilizes the following monomer:



wherein Y is an ester group. However, in column 4, lines 14 – 41 (reproduced below), Dammann explains how this glyceryl ether derivative is prepared from carboxylic acids and allyl glycidyl ether.

When the glyceryl ether monomer derivative contains an ester group, it is prepared by reacting allyl glycidyl ether with an appropriate monocarboxylic acid at a moderate temperature (e.g., 70° C.) up to the boiling point of allyl glycidyl ether (154° C.) but preferably at about 80° to about 100° C. in the presence of a basic catalyst, a tertiary amine, tertiary amine salt, quaternary ammonium salt or a metal complex catalyst:



The allyl glycidyl ether and the appropriate monocarboxylic acid are reacted in the mole ratio of allyl glycidyl ether to acid of 1:1 to about 1:0.8 and preferably 1:0.95 to 1:0.85.

Useful monocarboxylic acids are alkyl or aryl monocarboxylic acids which contain 2 to 20 carbon atoms or alkenyl monocarboxylic acids which contain 5 to 20 carbon atoms. Examples of such acids are acetic acid, butyric acid, hexanoic acid, pelargonic acid, capric acid, lauric acid, palmitic acid, arachidic acid, benzoic acid, naphthoic acid, oleic acid, linoleic acid, ricinoleic acid, undecylenic acid and the like.

Thus, applicants respectfully submit that Dammann's component (2) should be seen as an alkenyl ester of a monocarboxylic acid, which does not correspond to components B1) or

B3) of the present invention.

The Office action argues that “[a]lthough the range of carbon atoms for the carboxylic acid is different than the specific claimed range, the overlapping of the ranges makes the choice of the acids within the overlap at least *prima facie* obvious.”¹ However, because the monomers of the present invention are different from those of Dammann, applicants respectfully submit that there cannot be overlapping ranges.

Additionally, the Office action states that Damman “teaches aqueous compositions with a polymeric thickener with acrylic acid and comonomers which read on both components B and D of the claims.”² Applicants submit that new claims 18 – 20 explicitly exclude this possibility. Thus, new claims 18 – 20 should be allowable.

Applicants respectfully submit that the rejection of claims 10, 12 – 15 and 17 under 35 U.S.C §102(b) or 35 U.S.C §103(a) over US 4,338,239 to Dammann should be withdrawn.

In Conclusion:

The present application is in condition for allowance. Applicants request favorable action in this matter. In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is welcome to contact the undersigned by phone to further the discussion.

NOVAK DRUCE + QUIGG, LLP
1300 Eye St. N.W.
Suite 1000 West
Washington, D.C. 20005

Phone: (202) 659-0100
Fax: (202) 659-0105

Respectfully submitted,
NOVAK DRUCE + QUIGG, LLP



Michael P. Byrne
Registration No. 54,015

¹ Page 2, line 25 – page 3, line 2 of the Office action mailed January 02, 2008.

² Page 2, lines 17 – 19 of the Office action mailed January 02, 2008.